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10/551,393	06/30/2006	Masanori Omote	450100-05036	3343

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EXAMINER	
MARC, MCDIEUNEL	

ART UNIT	PAPER NUMBER
3664	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/551,393	OMOTE, MASANORI	
	Examiner	Art Unit	
	MCDIEUNEL MARC	3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2006*.

2a)☒ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 September 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-13 are pending.

2. The objection to the abstract is withdrawn.

3. The rejection to claim 5 under 35 U.S.C. 101 and 35 U.S.C. 112, first paragraph is withdrawn.

4. The rejection to claims 1-5 rejected under 35 U.S.C. 102(e) as being anticipated by **Glenn et al.** (U.S. Pat. No. **6,763,282**) is maintained.

5. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection including new added claims 6-13.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim

term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "measuring a quality of communication of radio signals" in claims 1, 4 and 5 are used by the claim to mean "measuring", while the accepted meaning is "compatible signals from one device to another." The term is indefinite because the specification does not clearly redefine the term. Also the claims do not define how the measuring being done and to what degree the measuring being done.

All claims depending from a rejected base claim are also rejected as containing the same deficiencies.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. Claims 1-13 as best understood are rejected under 35 U.S.C. 102(e) as being anticipated by **Glenn et al.** (U.S. Pat. No. **6,763,282**).

As per claim 1, 4 and 5, **Glenn et al.** teaches a system and an associated robot that uses impulse radio technology having an autonomous robot apparatus which communicates with a communication apparatus by radio and independently determines an action in accordance with an instruction from a user or a surrounding environment (see figs. 11 and 13, wherein receiving instruction from a user is inherent), the robot apparatus comprising: measuring means for measuring the quality of communication of radio signals received from the communication apparatus (see Figs. 9, 10, 14 and 19, col. 3, lines 49-57); determining means for determining the action on the basis of the communication quality measured by the measuring means (see col. 1, lines 52-63, wherein radar capabilities, monitoring and control being interpreted as measuring the quality of the communication); and processing means for performing a process of allowing the robot apparatus to take the action determined by the determining means (see fig. 13, element 1306); and with respect to claim 5, as best understood the program is embedded in a computer readable medium for executing all the above mentioned limitations.

As per claim 2, **Glenn et al.** teaches a robot that uses impulse radio technology wherein the determining means determines the action on the basis of the details of the current action of

the robot apparatus and the communication quality measured by the measuring means (see col. 1, lines 52-63 as noted above).

As per claims 3, 7, 10 and 11, **Glenn et al.** teaches a robot that uses impulse radio technology wherein the determining means determines the generation of predetermined speech, and the processing means outputs the speech through a speaker (see col. 15, lines 66 -- to – col. 16, line -3, wherein using speaker for outputting sound in robotics being considered as known in the art. See flakey for instance).

As per claim 6, **Glenn et al.** teaches a robot wherein the radio signals measured for a predetermined time and for a predetermined threshold (see col. 1, lines 12-49).

As per claim 8, **Glenn et al.** teaches a robot wherein measuring is supplied from sensors (see Fig. 10, element 1006a).

As per claim 9, **Glenn et al.** teaches a robot wherein measuring means outputs state recognition information for the sensors (see Fig. 10).

As per claim 12, **Glenn et al.** teaches a robot wherein a next action based on the state recognition information from a storage means and elapse time (see Fig. 10, element 1006a, wherein by design choice a video camera contain all the above features).

As per claim 13, **Glenn et al.** teaches a robot wherein the communication quality includes signal strength corresponding to resistance to noise or error rate in a communication packet due to burst interference (see col. 14, lines 37-58).

Response to Arguments

11. As to the reference not teaching "measuring the quality of the communication of radio signals" (see Figs. 9, 10, 14 and 19, col. 3, lines 49-57).

As to the reference not teaching "determining an action based on the communication quality and allowing the robot apparatus to communicate the action" (see Figs. 9 and 10, wherein the action of the robot communicate its action to the control station, and communication quality as been considered as compatible signals).

As to the reference not teaching "communicate the action determined to a user" (see Figs. 9 and 10, wherein action has been communicate to the control station which being control by a user).

12. Applicant's arguments filed 10/24/2008 have been fully considered but they are not persuasive.

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MCDIEUNEL MARC whose telephone number is (571)272-6964. The examiner can normally be reached on 6:30-5:00 Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/McDieunel Marc/
Examiner, Art Unit 3664

Tuesday, December 30, 2008

/KHOI TRAN/
Supervisory Patent Examiner, Art Unit 3664